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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,703	04/11/2001	Karl-Hans Holder	DE920000023US1	1678
7590	01/24/2005		EXAMINER	
IBM Corporation - MS P386 Intellectual Property Law Department 2455 South Road Poughkeepsie, NY 12601			PHAM, KHANH B	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/832,703	HOLDER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Khanh B. Pham	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 August 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____.   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Response to Amendment***

1. The amendment filed August 23, 2004 has been entered. Claim 2 has been amended. Claims 1-12 are pending in this Office Action.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-12 are rejected under 35 U.S.C. 102(e)** as being anticipated by Lennon (US 2003/0208473 A1), hereinafter "Lennon".

**As per claims 1, 8, 9, 12, Lennon teaches a method, a computer system having means, a program storage device and a computer program product stored on a computer usable medium, for providing access to resources (See abstract) comprising the steps of:**

- "defining physical and/or logical parameters required for locating a desired resource" at page 1, [0009]. (Lennon teaches: "method of browsing electronically-accessible resources using descriptions of said resources, wherein said descriptions of said resources have descriptor components, said descriptor components having attributes representative of at least two axes of access to the resources and wherein said descriptions have

**links to corresponding said electronically-accessible resources”;**)

- “reading resource-specific information from a resource-specifying source specifying a structure containing said resource” at page 1, [0009]. (Lennon teaches: “said method comprising the steps of: **reading said descriptions.**”)
- “generating hierarchical control information reflecting said structure using said resource-specific information” at page 9, [0110] and Fig. 2B. (Lennon teaches: “FIG. 1B shows an overview of the method of processing a **description of a resource.** In this method, a serialised description 100B is parsed by a processor 102B which in turn **generates** a representation 104B of the description in memory. The representation 104B is an instance of the **DesOM** of the DDF”; Fig. 2B shows the step of generating DesOM tree from the **description of the resource.**”)
- “enabling access to the desired resource to update said resource by calling a resource access performer with at least one of said parameters and evaluating said control information” at page 1, [0009]. (Lennon teaches: “browsing said descriptions of the resources and their corresponding electronically-accessible **resources** via said **links** using said **displayed items**”. Lennon also teaches update said resource by

allow user to "add a new digital video resource" ([0436]) or "insert a new item at the desired location" ([0443]).

**As per claim 2,** Lennon teaches the method of claim 1 discussed above. Lennon also teaches: "said steps are performed on a computer system" at Fig. 19 and further comprising the step of: "automatically triggering a semantic evaluation of the contents of a resource desired to be updated when said resource is referenced in calling said resource access performer" at page 9, [0116], [0439];

**As per claim 3,** Lennon teaches the method of claim 1 in which "said resource-specifying source is an XML file" at page 1, [0010].

**As per claim 4,** Lennon teaches the method of claim 1 in which "said hierarchical control information is defined in a data modeling schema comprising simple data types and at least one composition method for recursively constructing complex data types" at page 11, [0155] and Fig. 5.

**As per claim 5,** Lennon teaches the method of claim 4 in which said schema describes relations between data stored in one or more of said resources" at page 9, [0116].

**As per claim 6,** Lennon teaches the method of claim 1 in which "said resources are shared between at least two different operating systems" at page 31, [0428].

**As per claim 7,** Lennon teaches the method of claim 1 further comprising the step of: "performing extended processing on said resources as defined in a Java class" at page 24, [0359].

**As per claim 10,** Lennon teaches the computer program of claim 9 as discussed above, further comprising “an application interface for triggering requests for resource data processing from an application” at page 8, [0108] , and “an architectured interface for resource access” at page 18, [0263].

**As per claim 11,** Lennon teaches the computer program of claim 10, in which “said interface comprises one or more calls to at least one resource access performer” at page” at page 23, [0345]-[0348].

#### ***Response to Arguments***

3. Applicant's arguments filed August 23, 2004 have been fully considered but they are not persuasive. The examiner respectfully traverses applicant's arguments.

Applicant argued that Lennon does not teach: “updating of an individual resource”, while admitted that Lennon does teach updating digital video library, which is a collection of resources. Applicants' also noted that Lennon's digital video library “is itself a resource able to be described”. The examiner respectfully submits that the interpretation of digital video library as a resource is proper based on Lennon's teaching and also consistent with applicant's definition of “resource” at page 1, lines 18-21 of the specification: “the term “resource” should be understood as comprising any data item as for example the last name of the user of a computer system, a data set in which the data is stored as an element of it, as well as further structural elements which embed the data in a general hierarchical context, as for example

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a file tree, or a data tree". Therefore, the examiner respectfully submits that applicant's statement: "the "resource" of claim 1 is an individual resource, such as might be located at a node of a tree, and not the tree itself" is groundless and inconsistent with applicant's specification. The language of claim 1 only recites "a desired resource", and does not provide a narrower construction as argued by applicants. Lennon therefore teaches the step of updating resources as claimed.

Applicant argued that the interpretation of digital video library as a resource conflicts with the language of claim 1 "from a resource-specifying source specifying a structure containing said resource" because "if the structure in question is the resource, it cannot fairly be said to contain the resource". On the contrary, the examiner respectfully submits that if the digital video library is considered a resource, then "the structure containing said resource" is the data structure of the library, not the library itself.

Applicant argued that Lennon does not teach: "automatically triggering a semantic evaluation by the system of the content of a resource desired to be updated when said resource is referenced in calling said resource access performer". On the contrary, Lennon teaches the description of a resource which is an instance of Description Object Model which provides "the core **semantics** of the description and is based on the descriptor entity" (page 9, [0116]). Lennon also teaches the VideoDescription contains "a series of semantic labels" as recited below:

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"The VideoDescription descriptor D1 has an associated descriptor handler D2 which provides a method to automatically segment the digital video resource into a series of individual shots. The Shot descriptor D3 has an associated descriptor handler D4 which provides a method to **automatically** select a key frame from a specific shot and then **generate a series of semantic labels** which provide some information about the content of the particular shot (eg., whether or not the shot contained people, was an indoors or outdoors shot, etc.). These descriptor handler methods are executed on the creation of a descriptor in the description being generated". [0439]

As seen above, Lennon automatically trigger an evaluation of the description of the resource (i.e., access resources using description of said resource), and the description of the resource contain semantic labels of the content of the resource ([0439]). The steps are performed "automatically", without user's intervention. Therefore, Lennon teaches the limitations of claim 2.

In light of the foregoing arguments, the 35 U.S.C 102 rejection is hereby sustained.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khanh B. Pham  
Examiner  
Art Unit 2167

January 18, 2005  
KBP

*Duke S Wasserman*  
Primary Examiner